

TO:	SOLICITOR	REPORT ON THE
Commissioner of Patents and Trademarks Washington, D.C. 20231	NOV 19 1996	FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT

In compliance with the Act of July 19, 1952 (66 Stat. 814, 35 U.S.C. 290) you are hereby advised that a court action has been filed on the following patent(s) in the U.S. District Court:

DOCKET NO. C-96-20957-SW	DATE FILED 11/13/96	U.S. DISTRICT COURT Northern District of California
PLAINTIFF Personalized Media Communications, L.L.C.		DEFENDANT Thomson Consumer Electronics; et al.
PATENT NO.	DATE OF PATENT	PATENTEE
1 5,335,277	8/2/94	PMC assignee
2 5,109,414	4/28/92	PMC assignee
3 5,233,654	8/3/93	PMC assignee
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In the above-entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading			
PATENT NO.	DATE OF PATENT	PATENTEE		
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In the above-entitled case, the following decision has been rendered or judgment issued:

DECISION/JUDGMENT

CLERK RICHARD W. WIEKING	(BY) DEPUTY CLERK <i>John Pomeroy</i>	DATE 11/15/96
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PERSONALIZED MEDIA
COMMUNICATIONS, L.L.C.

Plaintiff,

v.

THOMSON CONSUMER ELECTRONICS;
HUGHES NETWORK SYSTEMS;
HITACHI HOME ELECTRONICS;
TOSHIBA AMERICA CONSUMER
PRODUCTS;
MATSUSHITA ELECTRIC
CORPORATION OF AMERICA;
DIRECTV, INC.;
UNITED STATES SATELLITE
BROADCASTING.

Defendants.

SOLICITOR

NOV 19 1996

U.S. PATENT & TRADEMARK OFFICE

ORIGINAL
FILED

NOV 13 1996

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

C - 96 - 20957

Civil Action No.

PERSONALIZED MEDIA
COMMUNICATIONS, L.L.C.
COMPLAINT FOR
PATENT INFRINGEMENT

DEMAND FOR JURY TRIAL

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COMPLAINT

Plaintiff Personalized Media Communications, L.L.C. ("PMC") hereby complains and alleges against Defendants as follows:

I.

JURISDICTION AND VENUE

1. This is a civil action for patent infringement under 35 U.S.C. §§ 271, 281, 283, 284, and 285. Jurisdiction in this Court is founded upon 28 U.S.C. §§ 1338(a).

2. Each defendant is subject to personal jurisdiction in this judicial district under California Code of Civil Procedure Section § 410.10, because each defendant has transacted business in this district, contracted to supply services or things in this district, and/or caused tortious injury in this district.

3. Venue against each defendant is proper in this district pursuant to 28 U.S.C. § 1391(c) and § 1400(b) because each defendant, upon information and belief, is found to have committed acts of infringement or has induced the commission of acts of infringement within the Northern District of California.

II.

DESCRIPTION OF THE PARTIES

4. Plaintiff Personalized Media Communications, L.L.C., is a Delaware Limited Liability Company having its principal place of business at 110 East 42nd Street, Suite 1704, New York, New York 10017.

5. Defendant Thomson Consumer Electronics, Inc. (hereinafter, Thomson) is a corporation incorporated under the laws of the State of Delaware with its principal place of business at 10330 North Meridian Street, Indianapolis, Indiana 46206.

1 6. Defendant Hughes Network Systems (hereinafter HNS) is a
2 corporation incorporated under the laws of the State of Delaware with its principal
3 place of business at 11717 Exploration Lane in Germantown, Maryland 20876.

4 7. Defendant Hitachi Home Electronics (America), Inc. (hereinafter
5 Hitachi) is a corporation incorporated under the laws of the State of California with
6 its principal place of business at 3890 Steve Reynolds Blvd. in Norcross, Georgia
7 30093.

8 8. Defendant Toshiba America Consumer Products, Inc. (hereinafter
9 Toshiba) is a corporation incorporated under the laws of the State of New Jersey
10 with its principal place of business at 82 Totowa Road in Wayne, New Jersey 07470.

11 9. Defendant Matsushita Electric Corporation of America (hereinafter,
12 Matsushita) is a corporation incorporated under the laws of the State of Delaware
13 with its principal place of business at One Panasonic Way, Secaucus, New Jersey
14 07094.

15 10. Defendant DIRECTV, Inc. (hereinafter, DIRECTV) is a subsidiary
16 Hughes Electronics Corporation, a subsidiary of General Motors. Hughes Electronics
17 Corporation is a corporation organized under the laws of the State of Delaware with
18 its principal place of business at 2230 East Imperial Highway, El Segundo, California
19 90245.

20 11. Defendant United States Satellite Broadcasting, Co. (hereinafter, USSB)
21 is a subsidiary of Hubbard Broadcasting and is a corporation organized under the
22 laws of the State of Minnesota with its principal place of business at 3415 University
23 Avenue, St. Paul, Minnesota 55114.
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III.

NATURE OF THE CONTROVERSY

BACKGROUND

12. PMC is the assignee of U.S. Patent No. 5,335,277 ("the '277 patent"), entitled "Signal Processing Apparatus and Methods." The '277 patent was duly and properly issued on August 2, 1994, by the United States Patent & Trademark Office and is now, and has been at all times since its date of issue, valid and enforceable.

13. PMC is the assignee of U.S. Patent No. 5,109,414 ("the '414 patent"), entitled "Signal Processing Apparatus and Methods." The '414 patent was duly and properly issued on April 28, 1992, by the United States Patent & Trademark Office and is now, and has been at all times since its date of issue, valid and enforceable

14. PMC is the assignee of U.S. Patent No. 5,233,654 ("the '654 patent"), entitled "Signal Processing Apparatus and Methods." The '654 patent was duly and properly issued on August 3, 1993, by the United States Patent & Trademark Office and is now, and has been at all times since its date of issue, valid and enforceable.

INFRINGING ACTIVITIES OF THE DEFENDANTS

15. Defendant Thomson makes, sells and uses Digital Satellite Systems (DSS) receivers under the RCA, GE and ProScan brandnames that infringe one of more claims of '277 and '654 patents.

16. Defendant HNS makes, sells and uses DSS receivers under the Hughes Networks Systems Insight brandname that infringe one of more claims of '277 and '654 patents.

17. Defendant Hitachi makes, sells and uses DSS receivers under the Hitachi brandname that infringe one of more claims of '277 and '654 patents.

1 18. Defendant Toshiba makes, sells and uses DSS receivers under the
2 Toshiba brandname that infringe one of more claims of '277 and '654 patents.

3 19. Defendant Matsushita makes, sells and uses DSS receivers under the
4 Panasonic brandname that infringe one of more claims of '277 and '654 patents.

5 20. Defendant DIRECTV transmits a Direct Broadcast Service (DBS) that
6 provides program content, data and control signals and executes methods that
7 directly infringe at least one claim of the '277 and '654 patents. Defendant DIRECTV
8 also provides program content, data and control signals that contributorily infringe
9 at least one claim of the '654 and '277 patents.

10 21. Defendant DIRECTV operates a computer based broadcast transmission
11 facility that directly infringes at least one claim of the '414 patent.

12 22. Defendant USSB transmits a DBS that provides program content, data
13 and control signals and executes methods that directly infringe at least one claim of
14 the '277 and '654 patents. Defendant USSB also provides program content, data and
15 control signals that contributorily infringe at least one claim of the '654 and '277
16 patents.

17 23. Defendant USSB operates a computer based broadcast transmission
18 facility that directly infringes at least one claim of the '414 patent.

19 24. Despite having received actual and constructive notice of PMC's '277
20 and '654 patents Thomson, HNS, Hitachi, Toshiba and Matsushita continue to
21 make, use and/or sell DSS receivers covered by the '277 and '654 patents. Thomson,
22 HNS, Hitachi, Toshiba and Matsushita's conduct constitutes willful, wanton, and
23 deliberate infringement without regard to PMC's rights in the '277 and '654 patents,
24 and may continue unless enjoined by this Court.
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1 25. Despite having received actual and constructive notice of PMC's '414
2 patent, DIRECTV and USSB continue to use and provide programming,
3 information and control signals and operate transmission facilities employing
4 methods that directly infringe the '414 patent.

5 26. Despite having received actual and constructive notice of PMC's '277
6 and '654 patents, DIRECTV and USSB continue to provide programming,
7 information and control signals that contributorily infringe and induce others to
8 infringe the '277 and '654 patents.

9
10 27. As a result of Thomson, HNS, Toshiba, Hitachi and Matsushita's
11 willful infringement of the '277 and '654 patents, PMC has suffered damages, the
12 amount of which cannot be determined without an accounting, and is thus subject
13 to proof at trial.

14 28. As a result of DIRECTV and USSB's willful infringement of the '277,
15 '414 and '654 patents, PMC has suffered damages, the amount of which cannot be
16 determined without an accounting, and is thus subject to proof at trial.

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18 29. As a result of DIRECTV and USSB's contributory and induced
19 infringement of the '277, '414 and '654 patents, PMC has suffered damages, the
20 amount of which cannot be determined without an accounting, and is thus subject
21 to proof at trial.

22 WHEREFORE, PMC requests that this Court:
23

24 (1) Adjudge Defendants Thomson, HNS, Toshiba, Hitachi and Matsushita
25 liable for infringement of PMC's '277 and '654 patents;

26 (2) Adjudge Defendants DIRECTV and USSB liable for direct, contributory
27 and induced infringement of PMC's '277 and '654 patents;
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1 (3) Adjudge Defendants DIRECTV and USSB liable for infringement of
2 PMC's '414 patent;

3 (4) Award PMC damages on account of Defendants' infringement of PMC's
4 '277, '414 and '654 patents, and treble those damages due to the willful and deliberate
5 nature of the infringement;

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7 (5) Permanently enjoin Defendants, their subsidiaries, officers, agents,
8 servants, employees, and attorneys, and all other persons in active concert or
9 participation with Defendants from further infringement of PMC's '277, '414 and
10 '654 patents;

11 (6) Declare this to be an exceptional case under 35 U.S.C. § 285, and award
12 PMC its attorney's fees;

13
14 (7) Award PMC such other and further relief which the Court deems just
15 and proper.

16 Dated: November 13, 1996

17 Robert P. Taylor
18 Robert F. Ruyak
19 Cecilia H. Gonzalez
20 HOWREY & SIMON

21 By: 

22 Robert P. Taylor
23 Attorneys for Plaintiff
24 Personalized Media Communications,
25 L.L.C.
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3 DEMAND FOR JURY TRIAL
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5 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, plaintiff
6 Personalized Media Communications, L.L.C. hereby demands a trial by jury on all
7 issues triable by right to a jury.
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9 Dated: November 13, 1996
10

11 Robert P. Taylor
12 Robert F. Ruyak
13 Cecilia H. Gonzalez
14 HOWREY & SIMON
15

16 By: 
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18 Robert P. Taylor
19 Attorneys for Plaintiff
20 Personalized Media Communications,
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